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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

KYLE A. ALCARAZ, an individual;

Plaintiff,

v.

CONAGRA BRANDS, INC.; CONAGRA  
FOODS, INC.; SAM'S WEST, INC. dba  
SAM'S CLUB; DOES 1 through 10; and  
ROE BUSINESS ENTITIES 1 through 10,  
inclusive;

Defendants.

CASE NO. 2:20-cv-01414-JCM-EJY

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY AND  
OTHER DEADLINES  
(THIRD REQUEST)**

Plaintiff, KYLE A. ALCARAZ, by and through his attorneys of record, PETER S. CHRISTIANSEN, ESQ., R. TODD TERRY, ESQ., and WHITNEY J. BARRETT, ESQ. of CHRISTIANSEN TRIAL LAWYERS, and Defendants CONAGRA BRANDS, INC.; CONAGRA FOODS, INC., and SAM'S WEST, INC., by and through their attorneys, J. CHRISTOPHER JORGENSEN, ESQ. of LEWIS ROCA ROTHGERBER CHRISTIE LLP and TED HARTMAN, ESQ. (*pro hac vice*) of BLACKWELL BURKE P.A., hereby file their third joint application to extend the discovery cut off period and other deadlines in this case, pursuant to LR II 26-4. The present discovery cutoff date is November 1, 2021.



**I. DISCOVERY COMPLETED**

1. Plaintiff produced his initial FRCP 26(a)(1) disclosure and two supplements thereto;
2. Defendants produced their initial FRCP 26(a)(1) disclosure;
3. Plaintiff has issued a subpoena to Lowe's Home Improvement; and
4. The parties have propounded and responded to written discovery requests.

**II. DISCOVERY TO BE COMPLETED**

1. Plaintiff will take the depositions of Defendants' corporate designees and employees;
2. Defendants will depose Plaintiff;
3. The parties will disclose expert witnesses and depose their respective experts;
4. The parties intend to serve, and respond to, additional written discovery; and
5. The parties intend to subpoena and conduct the depositions of third parties, fact witnesses, Plaintiff's treating providers, and the parties' experts.

**III. GOOD CAUSE WHY THE DISCOVERY REMAINING WAS NOT COMPLETED WITHIN THE TIME LIMITS SET BY THE COURT**

Good cause exists to extend all deadlines, including the expert deadline, due to the technical, complex and fact dependent evidence the experts will need in order to author their reports in this products liability matter. Plaintiff has subpoenaed evidence, including the product at issue (the exploding Pam Can), from Lowe's Home Improvement. The can is critical to expert opinions in this matter. Furthermore, the parties are currently engaged in settlement negotiations, and they wish to save costs associated with expert reports which could be utilized toward a settlement. The parties intended for the remaining discovery set forth above to be completed within the existing discovery period, however, counsel for all parties agree the current discovery deadline is insufficient in time to complete the remaining discovery. Accordingly, the parties have agreed to continue the discovery deadlines an additional ninety (90) days.



## IV. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:

|  | <u>EXISTING DEADLINES</u> | <u>PROPOSED DEADLINES</u> |
|--|---------------------------|---------------------------|
| <b>Close of Discovery</b>                        | November 1, 2021          | <b>February 13, 2022</b>  |
| <b>Final Date to Amend Pleadings/Add Parties</b> | Closed                    | <b>Closed</b>             |
| <b>Initial Expert Disclosures Deadlines</b>      | August 31, 2021           | <b>December 10, 2021</b>  |
| <b>Rebuttal Expert Disclosure Deadline</b>       | September 30, 2021        | <b>January 12, 2022</b>   |
| <b>Final Date for Dispositive Motions</b>        | November 30, 2021         | <b>March 14, 2022</b>     |

DATED this 24<sup>th</sup> day of August, 2021

CHRISTIANSEN TRIAL LAWYERS

By /s/ Whitney J. Barrett  
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DATED this 24<sup>th</sup> day of August, 2021LEWIS ROCA ROTHGERBER CHRISTIE  
LLP

By /s/ Ted D. Hartman  
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**ORDER**

**IT IS HEREBY ORDERED:**

The discovery cut off is extended from November 1, 2021 to January 31, 2022 in which all discovery in this action shall be completed;

**IT IS FURTHER ORDERED:**

Plaintiff and Defendant shall disclose their experts to each other at least sixty (60) days before the discovery cutoff date, which is by November 29, 2021, and Plaintiff and Defendant shall disclose rebuttal experts at least thirty (30) days after the initial date for disclosure of experts, which is by December 29, 2021;

All pretrial motions, including but not limited to, discovery motions, motions to dismiss and motions for summary judgment shall be filed and served no later than thirty (30) days after the close of discovery, which is February 28, 2022;

The Joint Pre-Trial Order in the above-captioned action shall be filed with this Court no later than thirty (30) days after the date set for filing dispositive motions, which shall be March 30, 2022; and

The last day for the parties to file their Motion and/or Stipulation to Extend Discovery shall be twenty (20) days prior to the discovery cut off, which is by January 11, 2022.

IT IS SO ORDERED this 26th day of August, 2021.

  
UNITED STATES MAGISTRATE JUDGE

Submitted by:

**CHRISTIANSEN TRIAL LAWYERS**

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